

REMARKS

This amendment adds no new matter to this application and is supported by the specification. Further, this amendment has been made for reasons unrelated to patentability. In a Final Office Action dated July 28, 2004, pending claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,606,606 ("Starr") in view of the knowledge of one of skill in the art as well as the Examiner's personal knowledge. The rejections from the Final Office Action of July 28, 2004 are discussed below in connection with the various claims. Reconsideration of the application is respectfully requested in light of the following remarks.

I. AMENDMENTS TO THE SPECIFICATION

With this response, the specification has been amended to explicitly disclose material, including figures, that was previously incorporated by reference from pending U.S. Patent Application Serial No. 09/475,636 (Attorney Ref. 10098/7), pending U.S. Patent Application Serial No. 09/476,073 (Attorney Ref. 10098/8), and pending U.S. Patent Application Serial No. 09/475,538 (Attorney Ref. 10098/13). Accordingly, these amendments do not constitute new matter.

II. REJECTIONS UNDER 35 U.S.C. § 103(a) IN FINAL OFFICE ACTION OF JULY 28, 2004

Independent claims 1, 13, and 17 were rejected in the Final Office Action of July 28, 2004 under 35 U.S.C. § 103(a) as being unpatentable over Starr in view of the knowledge of one of skill in the art as well as the Examiner's personal knowledge. Applicants submit that the combination of these references fails to disclose all of the elements of Applicants claims.

Independent claim 1, as amended, relates to a method of accessing substantially real-time financial information of account holders in a computerized system, the substantially real-time financial information describing a first account of the first account holder being stored on a first record keeping system, a second account of the first account holder being stored on a second record keeping system, a third account of a second account holder being stored on a third record keeping system, and a fourth account of the second account holder

being stored on a fourth record keeping system, the first record keeping system being different from the second record keeping system and the third record keeping system being different from the fourth record keeping system, the first account holder being different from the second account holder. The method includes (a) receiving an identifier of a financial intermediary by a first device from a user; (b) receiving identification of a selected account holder by the first device, the selected account holder identification being indicative of at least one the first account holder, the second account holder, or a combination thereof, the selected account holder identification being associated with the first account stored on the first record keeping system and the second account on the second record keeping system if the selected account holder identification is indicative of the first account holder, the selected account holder identification being associated with the third account stored on the third record keeping system and the fourth account on the fourth record keeping system if the selected account holder identification is indicative of the second account holder; (c) receiving a command by the first device from the user to obtain information associated with the selected account holder identification; (d) transmitting requests by the first device to each of the respective record keeping systems associated with each of the selected account holder identification substantially simultaneously, the first and second requests requesting information associated with the selected account holder identification; and (e) receiving responses by the first device from the respective record keeping systems associated with the selected account holder identification, the responses including substantially real-time financial information associated with the selected account holder identification.

Independent claim 13, as amended, relates to a method of accessing substantially real-time financial information of a first account holder from first and second record keeping systems and a second account holder from third and fourth record keeping systems in a computerized system. The method includes: (a) receiving an identifier of a financial intermediary by a first device from a user; (b) receiving a first input from the user by the first device, the first input being indicative of at least one of the first account holder, the second account holder, or a combination thereof, the first input being associated with a first financial account of the first account holder residing on the first record keeping system and a second financial account of the first account holder on the second record keeping system, the first

input being associated with a third financial account of the second account holder residing on the third record keeping system and a fourth financial account residing on the fourth record keeping system if the first input is indicative of the second account holder, the first record keeping system being different from the second record keeping system, the third record keeping system being different from the fourth record keeping system; (c) transmitting, substantially simultaneously and in response to the receiving the first input, by the first device a request to each of the record keeping systems associated with the first input; (d) receiving a response by the first device from each of the associated record keeping systems; and (e) presenting at least a portion of the responses to the user.

Independent claim 17, as amended, relates to a computer-readable medium encoded with an executable program for presenting real-time financial account information of a first account holder and a second account holder to a user, the user being different from the first account holder and the second account holder. The program includes: (a) a security module capable of authenticating the user; (b) a communication module capable of receiving a first input from the user indicative of either the first account holder, the second account holder, or a combination thereof, the communication module capable of communicating with a plurality of record keeping systems, the plurality of record keeping systems each being capable of storing real-time financial accounts of the first account holder and the second account holder, each of the record keeping systems being different from the other; the communication module being capable of substantially simultaneously transmitting requests by the user for real-time financial account information to the plurality of record keeping systems and receiving responses therefrom; and (c) a presentation module capable of presenting portions of the responses simultaneously.

Starr discloses a “tool kit for a small business owner to manage a plurality of different financial accounts and services and to perform a number of different financial transactions, wherein each of the transactions may involve multiple sub-transactions which occur among different financial service providers. For example, the system provides an integrated package that integrates financial service providers, such as a payroll service provider, a retirement plan service provider, a healthcare service provider or another type of service provider. The system provides one interface to a subscriber and the subscriber can select from the interface

a financial transaction to perform, wherein the selected transaction involves a plurality of subtransactions, occurring between the system, and the involved financial service providers.” See Starr, Abstract.

Starr fails to disclose receiving identification of a selected account holder by the first device, the selected account holder identification being indicative of at least one the first account holder, the second account holder, or a combination thereof, as claimed in claim 1, receiving a first input from the user by the first device, the first input being indicative of at least one of the first account holder, the second account holder, or a combination thereof, as set forth in claim 13, or a communication module capable of receiving a first input from the user indicative of either the first account holder, the second account holder, or a combination thereof, as claimed in claim 17.

Instead, Starr discloses a transaction- or account-based system which provides users with a plurality of optional transactions which the user may request the system to perform. See Starr, Col. 10, lines 30-34. The system of Starr provides users with, “a series of optional financial transactions that the subscriber 12 can activate and direct the server 14 to perform.” Starr, Col. 10, lines 33-35. For example, a subscriber of the Starr system, “may select to view and perform transactions *in the core account*.” Starr, Col. 10, lines 40-42. Alternatively, the subscriber may initiate a bill paying operation that allows the subscriber to, “include remittance information to enable proper crediting of the subscriber’s *accounts* with the vendor.” In other words, the subscriber of Starr is limited to requesting operations associated with particular accounts or functions. Moreover, these requests must be submitted discretely. The system as claimed by Applicants, however, provides an account holder-based system that receives an identification of an account holder and retrieves information about *multiple accounts of the account holder* from different record keeping systems substantially simultaneously.

At best, Starr discloses an instruction generator for creating a single transaction with a single financial service provider that includes subtransactions. See Starr, Col. 9, lines 20-22. For example, the instruction generator may create a set of instructions representative of a request for transferring funds from an account maintained by a financial service provider to a payroll service provider. See Starr, Col. 9, lines 30-35; FIG. 2. Upon receiving the

instructions from the Starr system, it is the responsibility of the financial institution to carry out the instructions, i.e. contact the payroll service provider, transfer the funds, and receive any confirmation information. *See Starr*, Col. 9, lines 37-41. Starr does not disclose that data is retrieved from the two financial systems in response to a request from the user, as claimed in Applicants' claims. In contrast, the system of Starr is focused on the generation of instructions to be performed by a single financial institution to carry out a single transaction. *See Starr*, generally. Starr is concerned with what needs to be done to effect a particular transaction, not data acquisition. Thus, Starr fails to disclose all the features as claimed.

Further, one of ordinary skill in the art would not be motivated to modify the system in Starr to receive information from different financial institutions in response to requests from a user. The system disclosed by Starr is concerned with providing an easier way for small businesses to conduct complex transactions, i.e. generating instructions to carry out a request from the user for a particular institution. The system disclosed by Starr requires that each instruction be carried out in order to perform the composite transaction, i.e. to ensure that each account has the necessary funds. In contrast, Applicant's system is capable of receiving data from multiple financial institutions as the data becomes available. Modifying the system disclosed by Starr to receive data from any of a plurality of financial institutions as the data becomes available would defeat the purpose of the Starr system to ensure that complex transactions are properly carried out.

Additionally, the Examiner noted Applicant's independent claims may read upon the well-known and common knowledge of accessing multiple accounts, e.g. credit card and bank accounts, in real-time via separate pass-word identification codes in order to view and/or alter, e.g. make payment transfers. Applicants respectfully traverse. First, the system described by the Examiner fails to disclose a system that receives identifier of an account holder and retrieves account information from multiple accounts at separate record keeping systems, as claimed by Applicants. Second, the type of access noted by the Examiner requires two separate user requests, one for each financial institution. In contrast, Applicants' system may retrieve information from multiple financial record keeping systems in response to a single user request. Finally, as described above in reference to the Starr

system, the functionality noted by the Examiner (i.e. make payment transfers) only involves a single transaction that is transmitted to a single financial institution. For example, a user may have been able to pay a credit card statement by submitting a request to the card issuer. Although this request may include instructions for contacting a second financial institution, i.e. a checking account number from which to transfer the necessary funds, this request is only submitted to the credit card issuer. It is the responsibility of the credit card issuer to contact the second financial institution. In contrast, Applicants' system is capable of contacting first and second financial record keeping systems in response to a single request from a user.

For at least these reasons, claims 1, 13, and 17 are not obvious in view of Starr or the Examiner's comments. Accordingly, Applicants request that the Examiner withdraw these rejections of independent claims 1, 13, and 17.

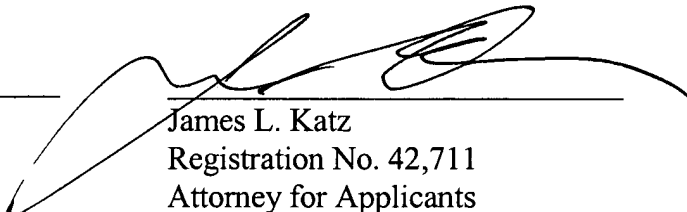
Dependent claims 2-12, 14-16, and 18-20 were also rejected in the Final Office Action of July 28, 2004 under 35 U.S.C. § 103(a) as being unpatentable over Starr in view of the knowledge of one of skill in the art as well as the Examiner's personal knowledge. These claims depend, either directly or indirectly, from claims 1, 13 and 17, and should be allowed for at least the reasons set forth above with respect to the independent claims. Applicants therefore request that the Examiner withdraw this rejection of these claims.

CONCLUSION

Applicants respectfully submit that all of the pending claims are in condition for allowance and seeks early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, she is respectfully requested to contact the attorney on record, James L. Katz, at (312) 321-7739.

Respectfully submitted,

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